

## CHAPTER 13 INTAKE CHECKLIST

### FILING ISSUES

1. Reviewed income, expenses and feasibility \_\_\_\_\_
2. Is there going to be a major change in circumstances that will affect feasibility \_\_\_\_\_
3. Are there any previous filings that would preclude filing the case \_\_\_\_\_
4. Reason for filing a Chapter 13 case instead of a case under Chapter 7 \_\_\_\_\_
5. Client advised concerning availability of Chapter 7 \_\_\_\_\_
6. Is this a case where only one spouse should file \_\_\_\_\_. Reason \_\_\_\_\_
7. If only one spouse is filing, client advised of complications arising out of other spouses debt \_\_\_\_\_
8. Are there any emergencies that require that the case be filed within a particular time frame \_\_\_\_\_. Nature of emergency \_\_\_\_\_. Emergency deadline \_\_\_\_\_

### PROPERTY ISSUES

1. Client told to get market analysis before case is filed \_\_\_\_\_
2. Client told to bring title, deeds to all property before case is filed \_\_\_\_\_
3. Client told that any equity in property that cannot be exempted will affect plan payment amount \_\_\_\_\_
4. Client is on the mortgages \_\_\_\_\_
5. There is no balloon payment due on the mortgages \_\_\_\_\_
6. If there is a balloon payment date due \_\_\_\_\_
7. If there is a balloon payment is the plan feasible \_\_\_\_\_, Proposed treatment of balloon \_\_\_\_\_
8. Other unusual mortgage terms \_\_\_\_\_. Proposed treatment of the mortgage \_\_\_\_\_
9. Amount of arrears on mortgage \_\_\_\_\_
10. Are there any leases that need to be assumed \_\_\_\_\_. Amount of arrears \_\_\_\_\_
11. Is client able to cure arrears on the lease at time of confirmation \_\_\_\_\_

### CREDITOR ISSUES

1. Recent purchases on credit and recent cash advances  
Date \_\_\_\_\_ Amount \_\_\_\_\_ Creditor \_\_\_\_\_ Item \_\_\_\_\_
2. Client advised not to borrow any more money \_\_\_\_\_
3. Client advised not to transfer any property before case is filed \_\_\_\_\_
4. Does client have student loans \_\_\_\_\_. Amount \_\_\_\_\_ Maturity date \_\_\_\_\_  
Payment amount \_\_\_\_\_. Arrears \_\_\_\_\_. Treatment inside or outside plan \_\_\_\_\_
5. Is the maturity date of the student loan after the last payment on the plan so arrears can be cured inside the plan and the regular payment can be paid outside the plan \_\_\_\_\_
6. Are there other debts that are not dischargeable in Chapter 13 \_\_\_\_\_ Proposed treatment \_\_\_\_\_
7. Does client have department store credit cards \_\_\_\_\_. Client advised that those obligations are secured \_\_\_\_\_

8. Does client have anyone that co-signed with him on the debts \_\_\_\_\_ Treatment of joint debt under plan \_\_\_\_\_

9. Reviewed estimated value of collateral to determine if a cramdown is appropriate \_\_\_\_\_

10. If there is a cramdown Client advised how to adjust payment to trustee before the plan is confirmed and that pre confirmation secured creditor needs to be paid the regular monthly payment \_\_\_\_\_

11. Reviewed whether there are any likely objections to claims that need to be filed \_\_\_\_\_

12. Do lien avoidance motions / complaints need to be filed \_\_\_\_\_

13. Are there any tax claims that need to be paid inside the plan \_\_\_\_\_

14. Does client have an installment plan with tax authorities that is better than plan \_\_\_\_\_

15. Are there any tax claims that are dischargeable \_\_\_\_\_

16. Are all tax returns filed \_\_\_\_\_. If not, client told to get them filed immediately \_\_\_\_\_

#### BUSINESS CASES

1. Is business viable \_\_\_\_\_

2. Is client paying all withholding taxes for employees \_\_\_\_\_

3. Is client paying estimated taxes and filing quarterly returns \_\_\_\_\_

4. Client advised of requirement to file operating reports \_\_\_\_\_

5. Client advised of ordinary course of business limitations in Chapter 13 \_\_\_\_\_

6. Client told to provide last 2 years of tax returns \_\_\_\_\_

#### TRANSFERS AND PREFERENCES

1. Payments to creditors of more than \$600 in the 90 days before case is filed

Creditor \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

2. Payments to insiders within 1 year of filing.

Creditor \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_ Relationship \_\_\_\_\_

3. Gifts or transfers of property worth more than \$100.00 within a year of the filing

Transferee \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

4. Gifts or transfers of more than \$1,000.00 within 3 years of filing

Transferee \_\_\_\_\_ Amount \_\_\_\_\_ Date \_\_\_\_\_

#### SEPARATION AND DIVORCE

1. If separated or divorced within last 3 years client told to provide separation agreement and divorce decree \_\_\_\_\_

2. Client told of limitations on dischargeability of marital obligations \_\_\_\_\_

3. Proposed treatment of alimony / marital property issues that need to be dealt with in the chapter 13 plan or budget \_\_\_\_\_

#### PAYMENTS AFTER CASE IS FILED

1. Reviewed clients obligation to pay secured creditors before and after case is filed and the consequences of not paying those obligations \_\_\_\_\_
2. Reviewed client's obligation to pay lease obligations before and after case is filed and the consequences of not paying those obligations \_\_\_\_\_
3. Reviewed clients obligation to pay plan payments after case is filed \_\_\_\_\_

#### INHERITANCE ISSUES

1. Client advised concerning duty to report any inheritance \_\_\_\_\_
2. Client advised to let those from whom he might inherit know that he is filing and that they should consult with a lawyer to insure proper provision is made in will (such as setting up a spendthrift trust) to protect inheritance \_\_\_\_\_

#### FEES AND EXPENSES

1. Client understands the fee arrangement and has signed the retainer agreement \_\_\_\_\_
2. Additional fees were explained and client initialed the additional fee disclosure \_\_\_\_\_